

FITZPATRICK SPINI & SWANSTON  
B. James Fitzpatrick (SBN 129056)  
bjfitzpatrick@fandslegal.com  
555 S. Main Street  
Salinas, California 93901  
Telephone: (831) 755-1311  
Facsimile: (831) 755-1319

Attorney for Plaintiff  
CARLOS ZARATE

SEYFARTH SHAW LLP  
Catherine M. Dacre (SBN 141988)  
cdacre@seyfarth.com  
Emily E. Barker (SBN 275166)  
ebarker@seyfarth.com  
Duwayne A. Carr (SBN 299136 )  
dacarr@seyfarth.com  
560 Mission Street, 31st Floor  
San Francisco, California 94105  
Telephone: (415) 397-2823  
Facsimile: (415) 397-8549

Attorneys for Defendant  
DS SERVICES OF AMERICA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARLOS ZARATE,

Plaintiff,

v.

DS SERVICES OF AMERICA, INC.; and DOES  
1 through 50, inclusive,

Defendants.

Case No. C15-01871 NC

**JOINT STIPULATION AND ORDER  
THEREON TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

Pursuant to USDC ND Cal. Civil Local Rule 6, the Parties to the above-entitled action, Plaintiff  
Carlos Zarate (“Plaintiff”) and Defendant DS Services of America, Inc. (“Defendant”) (collectively

referred to herein as “the Parties”), by and through their undersigned counsel, hereby stipulate and agree as follows:

1. WHEREAS, on April 27, 2015, the court scheduled a case management conference for August 5, 2015 (Dkt. 6).

2. WHEREAS, due to a scheduling conflict, Defendant’s lead trial counsel will be unable to attend the case management conference as required by Civil L.R. 16-10(a).

3. WHEREAS, the parties have met and conferred and Plaintiff does not oppose Defendant’s request to continue the case management conference to August 12, 2015 or the next available date convenient for the Court.

**NOW THEREFORE**, the Parties stipulate and request that the Court enter an order that the August 5, 2015 case management conference shall be continued to August 12, 2015 or the next available date convenient for the Court.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

Dated: July 21, 2015

FITZPATRICK, SPINI & SWANSTON

By: /s/ B. James Fitzpatrick  
B. James Fitzpatrick

Attorney for Plaintiff  
CARLOS ZARATE

Dated: July 21, 2015

SEYFARTH SHAW LLP

By: /s/ Duwayne A. Carr

Catherine M. Dacre  
Emily E. Barker  
Duwayne A. Carr

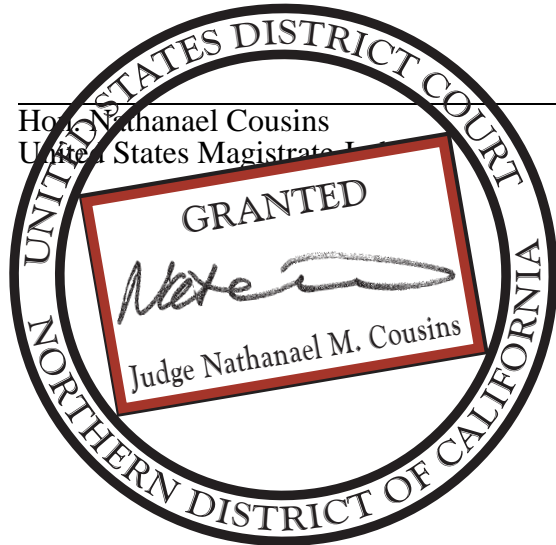
Attorneys for Defendant  
DS SERVICES OF AMERICA, INC.

**ORDER**

**PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO  
ORDERED** that

1. The August 5, 2015 case management conference is continued to August 12, 2015 at 10:00 a.m., and
2. A Joint Case Management Statement shall be filed on or before August 5, 2015.

DATED: July 21, 2015



**ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)**

I, Duwayne A. Carr, am the ECF user whose ID and password are being used to file this JOINT STIPULATION AND [PROPOSED] ORDER THEREON TO CONTINUE CASE MANAGEMENT CONFERENCE. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that the following attorney has concurred in this filing: B. James Fitzpatrick, counsel for Plaintiff Carlos Zarate.

Dated: July 21, 2015

SEYFARTH SHAW LLP

By: /s/ Duwayne A. Carr  
Catherine M. Dacre  
Emily E. Barker  
Duwayne A. Carr  
Attorneys for Defendant  
DS SERVICES OF AMERICA, INC.